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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2623

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/993,795	Applicant(s) GOLDMAN, PHILLIP Y.	
	Examiner Sumaiya A. Chowdhury	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/8/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 10-11, 14-24, and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Perlman (5,896,444).

As for claim 1, Perlman teaches in a computing device having an associated output device, a method for automatically executing an interruption operation on media content in response to an event, comprising the acts of:

as media content is obtained and output by the output device, detecting a first event (incoming telephone call, receipt of email) associated with said other device, indicating that the output of the media content is to be modified (paused), wherein said first event comprises a telephone related event or receipt of an email – col. 5, line 54 – col. 6, line 29;

in response to detecting the first event, automatically executing an operation (pausing of content, display message) on the media content such that the output of the media content is modified and can be later restored without loss of continuity of the media output – col. 5, line 54 – col. 6, line 29, col. 6, lines 38-44.

As for claims 2 and 20, Perlman teaches wherein the act of detecting the first event comprises the act of detecting a ring signal on a telephone line – col. 6, lines 5-10.

As for claims 3 and 21, Perlman teaches the act of detecting the first event comprises the act of detecting an off-hook condition of a telephone – col. 6, lines 12-16.

As for claim 4, Perlman teaches the act of detecting an off-hook condition of a telephone comprises the act of testing the impedance of a telephone line associated with the telephone – col. 6, lines 13-16.

As for 5, Perlman teaches wherein the act of detecting the first event comprises the act of detecting a call waiting signal on a telephone line – col. 5, lines 54-60.

As for claims 6 and 23, Perlman teaches the act of detecting the first event comprises the act of detecting receipt of an electronic message – col. 7, line 63 – col. 8, line 6.

As for claims 7 and 24, Perlman teaches wherein the act of detecting the first event comprises the act of detecting a signal from a device (telephone) associated with a home network – col. 5, line 54 – col. 6, line 29.

Claims 10 and 11 contains the claim limitations of claim 1 and are analyzed as previously discussed with respect to that claim.

As for claim 14, Perlman teaches wherein the act of automatically executing an operation on the media content comprises the act of automatically executing an operation (pause) on the media content such that the output of the media content is interrupted and can be later resumed without loss of continuity of the media output. – col. 5, line 54 – col. 6, line 29.

As for claim 15, Perlman teaches in response to a second event resuming the output of the media content – col. 5, line 54 – col. 6, line 29.

Claim 16 contains the limitations of claims 1, 14, and 15, and is analyzed as previously discussed with respect to those claims.

As for claims 17 and 18, Perlman teaches the act of displaying a message associated with detection of the first event and wherein the act of displaying a message

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(caller ID information) associated with detection of the first event comprises the act of displaying caller ID data associated with an incoming telephone call – col. 6, lines 38-44.

As for claim 19, Perlman teaches in response to a second event, resuming display of the television signal by displaying the television signal that has been stored on the storage device (RAM 23; col. 5, line 54 – col. 6, line 26).

As for claim 22, Perlman teaches wherein the off-hook condition is detected immediately after a ring signal on a telephone line associated with the telephone (col. 6, lines 5-25).

As for claim 37, Perlman teaches a computer-readable medium (ROM 22) carrying computer-executable instructions that, when executed at the computing device, cause the computing device to perform the method as recited in claim 1 – col. 4, lines 62-67.

Claim 38 contains the limitations of claims 19 and 37 and is analyzed as previously discussed with respect to those claims.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman as applied to claim 1 above, and further in view of Tetsumura (5793409).

As for claims 8 and 9, Perlman fails to teach wherein the act of detecting the first event comprises the act of detecting a signal from a motion sensor and personal transmitter.

In an analogous art, Tetsumura teaches detecting a signal from the area sensor (motion sensor and personal transmitter) in order to automatically execute a function – col. 6, lines 27-36.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Perlman's invention to include detecting a signal from the area sensor, as taught by Tetsumura, for the advantage of automatically executing a function.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman as applied to claim 1 above, and further in view of O'Callaghan (5594492).

As for claim 12, Perlman teaches wherein the act of detecting a first event indicating that the output of the media content is to be modified comprises the act of, as television programming is received from a server (Fig. 8) and output by the output device (44 – Fig. 2), detecting a first event (selection of advertiser's information page) indicating that the output of the television programming is to be interrupted ([0021], [0080], [0081], [0161]).

However, Perlman fails to teach that the server is a video on demand server.

In an analogous art, O'Callaghan teaches a video on demand server (404 – Fig. 4) for the advantage of allowing the user to view selected content instantaneously – col. 6, lines 36-45.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Perlman's invention to include a video on demand server, as taught by O'Callaghan, for the advantage of allowing the user to view selected content instantaneously.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman and O'Callaghan as applied to claim 12 above, and further in view of Jennings (US 2004/0025186).

As for claim 13, Perlman and O'Callaghan fail to teach wherein the act of detecting a first event indicating that the output of the television programming is to be interrupted comprises the act of transmitting a signal from the computing device to the

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video on demand server indicating that the output of the television programming is to be interrupted by the video on demand server.

In an analogous art, Jennings discloses wherein a signal is transmitted from the receiver to the media server (510 – Fig. 5; video on demand server) indicating to pause the content for the advantage of having the operation done at the server end rather than the receiver to keep the functions carried out by the receiver to a minimum– paragraph [0199].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Perlman and O'Callaghan's invention to include wherein a signal is transmitted from the receiver to the media server indicating to pause the content, as taught by Jennings, for the advantage of having the operation done at the server end rather than the receiver to keep the functions carried out by the receiver to a minimum.

7. Claims 25-28, 30-34, and 36, are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman in view of Yen (6,668,278).

As for claim 25, Perlman teaches in a computing device having an interruption engine and an associated output device, a method for automatically executing an interruption operation on media content in response to an event, comprising the acts of:

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as media content is received and output by the output device, detecting an event (incoming telephone call, receipt of email) in the environment of the computing device - col. 5, line 54 – col. 6, line 29;

automatically executing the interruption operation on the media content – – col. 5, line 54 – col. 6, line 29, col. 6, lines 38-44.

However, Perlman fails to teach:

identifying a priority value to be assigned to the event based on priority information stored at the computing device;

applying a rule of a set of rules to the priority value assigned to the event to identify an interruption operation;

In an analogous art, Yen teaches:

a) identifying a priority value to be assigned to the event based on priority information stored at the computing device – col. 12, lines 7-32;

b) applying a rule of a set of rules to the priority value assigned to the event to identify an interruption operation – col. 12, lines 7-32;

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Perlman's invention to include steps a) & b), as taught by Yen, for the advantage of allowing the user to set at what instances to be interrupted.

As for claim 26, Perlman and Yen disclose the claimed limitations. In particular, Perlman teaches the act of detecting the event comprises the act of determining that a telephone call is being received – col. 6, line 1-25.

As for claim 27, Perlman and Yen disclose the claimed limitations. In particular, Perlman teaches the act of detecting the event comprises the act of detecting the receipt of an electronic message – col. 7, line 63 – col. 8, line 7.

As for claim 28, Perlman and Yen discloses the claimed limitations. In particular, Perlman teaches wherein the act of detecting the event comprises the act of receiving information via an input mechanism (telephone) that was established for interrupt sources to inform the interruption engine (processor) that the output of media content is to be interrupted (paused) - col. 5, line 54 – col. 6, line 26.

As for claim 30, Perlman and Yen discloses the claimed limitations. In particular, Yen teaches the act of receiving data that was registered with the interruption engine by a user, wherein the data defines the set of rules (The user explicitly specifies the alert threshold for interruption for each event. – col. 12, lines 7-32).

As for claims 31 and 36, Perlman and Yen teach the claimed limitations. In particular, Perlman teaches wherein the interruption operation is such that the output of the media content is paused as discussed above in claim 1.

As for claim 32, Perlman and Yen disclose the claimed limitations. In particular, Yen teaches the act of the interruption engine learning the behavior of a viewer

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associated with the computing device so as to generate the information on which the priority value to be assigned to the event is based (col. 10, lines 21-26, col. 12, lines 16-37).

As for claim 33, Perlman and Yen disclose the claimed limitations. In particular, Yen teaches the act of the interruption engine learning the behavior of a viewer associated with the computing device so as to generate the rule of the set of rules(col. 10, lines 21-26, col. 12, lines 16-37).

As for claim 34, Perlman and Yen disclose the claimed limitations. In particular, Yen teaches wherein the act of applying a rule of a set of rules to the priority value comprises the act of further applying an exception to the rule (Yen teaches where interruption occurs depending on the type of content being viewed by the user. For example, interrupting while viewing email as opposed to interrupting a TV show or movie – col. 12, lines 15-26).

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman and Yen as applied to claim 25 above, and further in view of Block (6,675,384).

As for claim 29, Perlman and Yen fails to teach receiving the set of rules in broadcast data encoded in a television signal.

In an analogous art, Block teaches that the label generator (170 – Fig. 2) provides a transmitted information label TIL for transmission with the programs signals. The TIL is used to identify and characterize the content of the audio and video program signals (col. 4, lines 47-52). Based on the TIL encoded in the program signal, the content is either blocked or displayed to the viewer (col. 13, lines 23-57).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Perlman and Yen's invention to include receiving the set of rules in broadcast data encoded in a television signal, as taught by Block, for the advantage of having the headend determine what is objectionable or not to the viewer.

9. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman and Yen as applied to claim 25 above, and further in view of O'Callaghan.

As for claim 35, Yen teaches applying a rule of a set of rules to the priority value (col. 12, lines 7-32). However, Perlman and Yen fail to teach a video on demand server

In an analogous art, O'Callaghan teaches a video on demand server (404 – Fig. 4) for the advantage of allowing the user to view selected content instantaneously – col. 6, lines 36-45.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Perlman and Yen's invention to include a video on

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demand server, as taught by O'Callaghan, for the advantage of allowing the user to view selected content instantaneously.

10. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman in view of Yen as applied to claim 25 above, and further in view of Buchanan (5515490)

As for claim 39, Perlman and Yen fail to teach wherein the interruption operation comprises altering a volume setting associated with rendering of the media content.

In an analogous art, Buchanan teaches increasing the volume when a specific event occurs – col. 15, lines 1-6.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Perlman and Yen's invention to include the above mentioned limitation, as taught by Buchanan, for the advantage of alerting the hearing impaired of an event.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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